

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 14-00117-01-CR-W-DW
)	
JAMES T. SMITH,)	
)	
Defendant.)	

ORDER

Before the Court is the Report and Recommendation (Doc. 23) submitted by Magistrate Judge Sarah W. Hays regarding the following:

1. Affidavit of Facts Call for Response re Transaction No. 14-00117-01-CR-DW Lack of Jurisdiction of the United States to Prosecute Any Person and/or Individual Based upon Fraud on the Grand Jury (Doc. 20); and
2. Motion for Dismissal of Indictment in Transaction Number 14-00116-01-CR-W-GAF (Doc. 21).

Defendant filed his Objection to Report and Recommendation (Doc. 30). After an independent review of the record, the applicable law, and Defendant's objections, the Court accepts the recommendation and adopts the Magistrate's findings of fact and conclusions of law. Accordingly, IT IS ORDERED that:

1. The Report and Recommendation (Doc. 23) be attached to and made a part of this Order;

2. The relief requested in the Affidavit of Facts Call for Response re Transaction No. 14-00117-01-CR-DW Lack of Jurisdiction of the United States to Prosecute Any Person and/or Individual Based upon Fraud on the Grand Jury (Doc. 20) is DENIED; and
3. The relief requested in the Motion for Dismissal of Indictment in Transaction Number 14-00116-01-CR-W-GAF (Doc. 21) is DENIED.

SO ORDERED.

Date: June 25, 2014

_____/s/ Dean Whipple_____
Dean Whipple
United States District Judge